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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,083

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Graff-PCT-04

6893

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EXAMINER

VIG, NARESH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,083	Applicant(s) GRAFF, RICHARD A.	
	Examiner NARESH VIG	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,9,11,13,15,17-21,23,25,27-29,31 and 33-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9,11,13,15,17-21,23,25,27-29,31 and 33-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070803; 20070827</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 50 – 51 are rejected under 35 U.S.C. 101 because the claims are directed to a medium which could encompass a signal within its scope. Signals are considered to be non-statutory subject matter. Examiner suggests amending the claims by incorporating the term “non-transitory” to describe the medium.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

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USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 47 – 98 are rejected on the ground of nonstatutory double patenting over claims 1 – 28 of US Patent No. 6,192,347 and claims 1 – 199 of U.S Patent 7,908,202 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

a computer system configured to receive input data including data representing a plurality of components temporally decomposed from residential property, the

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components including a residential estate for years interest and a residential remainder interest, the computer system comprising:

a processor programmed to manipulate the data representing the plurality of components to produce a separate valuation of each of the plurality of components, and to generate digital data representing documentation including the separate valuation of each of said plurality of components; and

an output device to produce the documentation.

In the instant application, application has added an additional field valuation for a terminal recovery period, for which there is nor formula(e) or a process defined on how said terminal recover period is produced. As disclosed, said terminal recovery period is a user preferred number for which Graff US Patents 7,908,202 and 6,192,347 teaches capability and concept for.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, 5, 7, 9, 11, 13, 15, 17 – 21, 23, 25, 27 – 29, 31 and 33 – 69
rejected under 35 U.S.C. 103(a) as being unpatentable over Graff US Patent
6,192,347.**

Regarding claim 1, Graff teaches concept and capability for method and apparatus to transform data representing components temporally decomposed from residential property [Graff, Fig. 1 and associated disclosure], the apparatus including:

a computer system configured to receive input data including data representing a plurality of components temporally decomposed from residential property, the components including a residential estate for years interest and a residential remainder interest [Graff, Fig. 1 and associated disclosure]:

a processor programmed to manipulate the data representing the plurality of components to produce a separate valuation of each of the plurality of components [Graff, Fig. 1 and associated disclosure].

Enen though Graff does not explicitly recite terminal recover period (**applicant recites in the disclosure, 0064, Terminal Recover Period is a reserved time period**

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at the end of Lease, during which to evict the lessee if the financing has not been satisfied). In addition, applicant as disclosed in the specification, Terminal Recovery Period is a Random number since the applicant is not using any disclosed Formula(e) to determine the Terminal Recovery Period (see 0065). Graff teaches in the event of default or insolvency, number of days landlord has provisioned for Terminal Rental Recovery [Graff, col. 53, line 19 – col. 54, line 53].

Therefore it would have been obvious to one of ordinary skill in the art that Graff teaches concept and capability wherein at least one of the valuations can reflect that there is a terminal recovery period for the residential estate for years interest;

Graff teaches concept and capability for:

a processor programmed to manipulate the data representing the plurality of components to produce a separate valuation of each of the plurality of components [Graff, Fig. 1 and associated disclosure], wherein at least one of the valuations reflects that there is a terminal recovery period for the residential estate for years interest, and to generate digital data representing documentation including the separate valuation of each of said plurality of components [Graff, col. 53, line 19 – col. 54, line 53];

wherein at least one of the valuations can reflect:

that the residential estate for years interest is an augmented estate for years interest;

that the residential estate for years is a term of years interest;

that one of the components can include a fractional interest in only one of a contingent equity interest in the residential property that is a primary equity interest and

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a corresponding contingent equity interest in the residential property that is a secondary equity interest

wherein the residential property is a single-family dwelling;

wherein terminal rent recovery period can have a length of at least eighteen months.

wherein the valuation can reflect that the residential estate for years interest can be an augmented estate for years interest.

wherein the valuation can reflect that one of the at least two components includes a fractional interest in only one of a contingent equity interest in the residential property that is a primary equity interest and a corresponding contingent equity interest in the residential property that is a secondary equity interest;

generate digital data representing documentation including the valuation of the one component [Graff, Fig. 2 and associated disclosure]; and

an output device to produce the documentation [Graff, Fig. 2 and associated disclosure].

Graff teaches concept and capability for a second computer system configured to:

receive at least some of the documentation, the second computer system comprising [Graff, co.. 37, line 57 – col. 38, line 31];

control the second computer system to change said at least some of the documentation to produce second digital data representing second documentation

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including an other valuation of an equity interest in one of the components [Graff, col. 35, line 42 – col. 36, line 31]; and

a second output device to produce second documentation [Graff, col. 35, line 42 – col. 36, line 31].

change said at least some of the documentation to generate second digital data representing second documentation including an amount of a residential lease payment including at least one of a rental payment arrearage and an escrow account payment arrearage [Graff, col. 35, line 42 – col. 38, line 31]; and

produce the second documentation including the amount of the residential lease payment [Graff, col. 35, line 42 – col. 38, line 31].

a processor programmed to manipulate the data generate documentation including lease payment wherein lease payment can include:

an arrearage penalty;

insurance premium on one of said components;

tax valuation of the equity interest; and

an output device to produce the documentation;

valuation of the equity interest;

valuation can reflect that:

there is a terminal recovery period for the residential estate for years interest;

one of the components includes a fractional interest in only one of a group of assets with two members, the group of assets comprising a contingent equity interest in

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the residential property that is a primary equity interest and a corresponding contingent equity interest in the residential property that is a secondary equity interest.

the residential estate for years is a term of years interest.

Even though Graff does not explicitly teach standardizing input data, however, it is old and known business practice to standardize input data to make the data useful processing of data. For example, number received as whole number is standardized to fixed number of decimals as designed in the process, to process the data and yield predictable results;

Therefore it would have been obvious to one of ordinary skill in the art to modify Graff and standardize input data to process the data and yield predictable results; rksrd; rksrf.

Graff teaches concept and capability for:

a second computer system configured to receive at least some of the documentation, the second computer system comprising:

a second processor programmed to control the second computer system to change said at least some of the documentation to produce second digital data representing second documentation including an other valuation of an equity interest in one of the components; and

a second output device to convert the second digital data into the second documentation including the other valuation.

wherein the documentation can include a financial document

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Graff US Patent 7,908,202 **which is continuation of** cited Graff US Patent 6,192,347, used to identify location where the teachings are cited from.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 8, 2011

/Naresh Vig/
Primary Examiner, Art Unit 3688